

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Robert Windell Mallory

Docket No. 2:06-CR-8-1BO

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Robert Windell Mallory, who, upon an earlier plea of guilty to Distribution of 50 Grams or More of Cocaine Base (Crack) and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 11, 2007, to the custody of the Bureau of Prisons for a term of 200 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On August 26, 2009, pursuant to an Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2), the defendant's sentence was reduced to 160 months. Additionally, on February 12, 2015, pursuant to an Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2), his sentence was reduced to 133 months. Robert Windell Mallory was released from custody on February 19, 2016, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 18, 2016, the defendant provided a urine sample that was submitted for laboratory analysis. On May 25, 2016, laboratory analysis revealed positive results for cocaine. On June 17, 2016, when confronted with the test results, Mallory admitted he used cocaine on approximately May 16, 2016. An additional urine sample was submitted on June 17, 2016, and the defendant admitted he used cocaine again on approximately June 14, 2016. Subsequent laboratory analysis received on June 21, 2016, confirmed positive results for cocaine. The defendant has agreed to report for a substance abuse evaluation and follow up as directed with any recommended treatment. Additionally, as sanctions for this violation conduct, confinement of 2 days in the custody of the Bureau of Prisons and participation in the DROPS Program (second use level) is recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: June 22, 2016

ORDER OF THE COURT

Considered and ordered this 23 day of June, 2016, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge